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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,067	03/07/2001	Jason M. Nash	PHGB 000028	1203

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,067

Applicant(s)

NASH, JASON M.

Examiner

Usha Raman

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, and 13-15 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09-04-2001</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 10-12 and 16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz et al. (US Pat. 5,758,257).

In regards to claims 1, 5, 13, 14, and 15, Herz discloses a system for effectively targeting programming content to user according to user preferences as well as content characteristics, by using an agreement matrix. Note column 4, lines 18-21. Herz discloses that the system can be used for targeting advertising and feedback of purchases and advertisements watched for updating customer preferences in customer profiles. Note column 47, lines 53-column 48, line 4.

The system comprises television transmission apparatus for transmitting audio, video and data signals (content profile and program guide information). Note column 24 lines 66-67 and column 25, lines 1-6. The user receiver is configured to receive the transmitted audio, video and data signals and store at least some of the data received by the receiving device. Note column 25, lines 16-19 and column 45, lines 12-20. The receiver inherently comprises data decoder means for decoding the content profile information in order to compute an agreement matrix. The content profile comprises characteristics of advertisements, compiled by "experts" (i.e. content ratings by one or more viewer). Note column 24, lines 56-63. A customer profile, indicating user preference for each user is stored in the receiving means. Herz discloses that the initial customer profile is set up by querying user on preferences regarding advertisements or infomercials (preference entered by the viewer), and then subsequently updated in order to reflect changing user preferences (by monitoring viewer habits). Note column 12, lines 2-6 and column 25, lines 45-48. An agreement matrix is computed using the content profile and the user profile, in order to present content that the user is interested in, as well as take into factor "expert" reviews on advertisements, for effectively presenting targeted advertisements. A processor calculates the agreement matrix between the content and customer profiles to make recommend the best-fit selections (i.e. suggest advertisements). Note column 45, lines 34-36.

In regards to claim 2, Herz discloses a television transmission apparatus for entering characteristics ("ratings") on available shows (advertisements) and storing it in a database. Note column 24, lines 56-60. The content profile data can be transmitted as analog or digital transmission data. Note column 24, lines 66-67 and column 25, lines 1-6. For the digital transmission of the content profile data (transmitted with electronic program guide data), the data must to be encoded into appropriate format according to the digital transmission protocols.

In regards to claim 3, a digital data transmission, where the content profile data and EPG data are transmitted in the same bit stream as the video programming data inherently requires multiplexing the various signals into a bit stream of data.

In regards to claim 4, Herz discloses that the content profile data and EPG data can be transmitted over separate data channels. Note column 25, lines 1-2.

In regards to claims 6, and 16, the system of Herz further comprises separate user profile stored for each user, so that when a particular user is identified, suitable advertisements matching the profile for that user is suggested. Note column 25, lines 9-15, column 45, lines 43-49 and lines 56-63.

In regards to claims 7 and 8, the system of Herz further comprises a remote control device for enabling the selection of programs, where the remote control is arranged to transmit an identification signal to the receiver device, for identifying the user. Note column 45, lines 43-67 and column 46 lines 1-18. For a customer profile corresponding to each user to be uniquely identified, a unique

identification signal has to be transmitted from the remote control for retrieving the appropriate profile.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US Pat. 5,758,257) in view of ^{Nickum} Ismail et al. (US Pat. 6,359,661).

In regards to claim 9, Herz does not disclose using a plurality of remote control devices, each of which can transmit a different identification signal for enabling each of the users to use a particular one of the remote control devices.

Nickum discloses the use of plurality of remote controls in a multiple user environment, where each remote control contains one unique user id for activating a profile corresponding to that user and controlling program access according to the user id. By comprising multiple remote control devices each with unique ids, a user profile corresponding to that ID can be identified immediately and program content and selected channels are blocked according to the access privileges associated with that user id. Note abstract, column 2, lines 32-33, and lines 50-59.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Herz by adding multiple remote control units, each with a

unique user ID and user profile as taught by Nickum, in order to uniquely identify the programming access privileges associated with the user of that remote control device.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (703) 305-0376. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UR
10-15-04


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